

# **Exhibit 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PENNSYLVANIA STATE CONFERENCE	)	
OF THE NAACP, <i>et al.</i> ,	)	
	)	Civil Action No.: 1:22-cv-00339
Plaintiffs,	)	
	)	
v.	)	Judge Susan P. Baxter
	)	
AL SCHMIDT, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DECLARATION OF RICHARD MARINO**

Pursuant to 28 U.S.C. § 1746, I, Richard Marino, declare as follows:

1. I am over the age of 18 and am otherwise competent to testify.
2. I have personal knowledge of the matters in this declaration.
3. I am currently the Vice Chairman of the Towamencin Township Board of Supervisors (“Board of Supervisors”).
4. I have been an active member of the Board of Supervisors since 2018 and of the Towamencin Municipal Authority since 2016.
5. I am a member of the Republican Party of Pennsylvania.
6. I was the Republican nominee for reelection to the Board of Supervisors in the November 7, 2023 general election.
7. After all ballots were counted under the rules in effect on election day, I led my Democratic challenger, Kofi Osei, in the vote total by 4 votes.
8. This Court issued its order two weeks after election day and two weeks after voters had cast their ballots.
9. Invoking this Court’s order, on Monday, November 27, the Montgomery County

Board of Elections counted in my race 6 ballots that did not comply with the date requirement.

10. Including those ballots in the vote total resulted in a tie between Mr. Osei and me.

11. The Montgomery County Board of Elections convened a casting of lots to choose a winner on November 30, 2023.

12. The Montgomery County Board of Elections declared Mr. Osei the winner by lot.

13. In other words, this Court's order issued two weeks after Election Day 2023 changed the apparent outcome of my race.

14. I intend to exercise my rights to contest that outcome under Pennsylvania law.

15. My current term of office ends on December 31, 2023. Absent a stay or a change in the apparent outcome caused by the Court's order, Mr. Osei will be sworn into office on January 2, 2024.

16. Any delay in, or denial of, my taking the office to which Towamencin Township voters elected me under the rules in effect on election day irreparably harms me. Any such delay or denial denies me of the opportunity to serve in office, to participate in official business of the Board of Supervisors, and to advocate, vote for, and implement the policies the voters elected me to support. Any such delay or denial also deprives me of the compensation that I am entitled to receive as a member of the Board of Supervisors. *See* Towamencin Code art. I, § 2-1.

17. I declare under penalty of perjury that the foregoing is true and correct.

Date: 12-1-2023

  
Richard Marino